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OUR FILE NO.:

May 20, 2008

**VIA FACSIMILE:** (212) 805-6390

Honorable William H. Pauley, III  
US Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: United States and Ed Feuer  
Indictment # 07 Cr. 975

Dear Judge Pauley:

Please find enclosed the Defendant's request to charge on certain issues.

1. Affirmative Defense

The depiction did not portray a real minor an instruction should be given regarding establishing that the burden of proof is on the government to show that the depiction of the photographs are real children and that they are not composite photographs making them sexual in nature by Photoshop or other computer aided device. The Government should place the burden on the Government to establish that a real child was depicted. Ashcroft vs. Free Speech Coalition, 535 U.S. 234, 2002.

2. The Government must prove that the Defendant was familiar enough with a cache file to make alterations to and use his computer in a proper manner. If the jury finds that the cache file was unknown to the Defendant and that his knowledge of computers was so limited as to prevent him from using such a file in a proper manner than the receipt to his computer of such alleged pornography is not proven. It is clear that the Defendant must knowingly possess and receive such information and that if the Defendant does not have a full understanding of cache files and how the internet works, he may not be convicted.

3. The Defendant objects to a charge on similar act evidence as similar acts should not be admissible in this case.

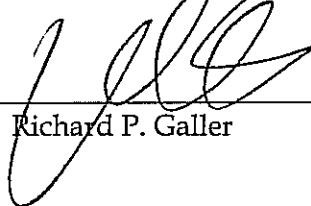
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Thank you for your consideration in this regard.

Respectfully,

KLEEBLATT, GALLER, ABRAMSON, LLC

By: \_\_\_\_\_

  
Richard P. Galler

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